

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

August 10, 2012

Re: Notice of *Ex Parte* Presentation
MM Docket No. 99-25 – Creation of a Low Power Radio Service

Dear Ms. Dortch:

On Wednesday, August 8, 2012, Brandy Doyle and Cheryl Leanza of the Prometheus Radio Project spoke by phone with Marilyn Sonn, Deputy Associate General Counsel of the Administrative Law Division of the Office of General Counsel, to discuss issues in the above-mentioned docket.

Ms. Leanza discussed the Prometheus proposal for a locally originated programming mandate for new Low Power FM (“LPFM”) stations. This mandate would require broadcasters to originate local programming for at least twenty hours per week. Ms. Leanza explained that such a mandate is a logical outgrowth of the proceeding, passes constitutional muster and enables the LPFM service to fulfill its intended goals of prioritizing locally-originated programming. She noted that the Commission already offers a preference to LPFM applicants pledging to originate local programming, and argued that shifting from a preference to a requirement should not trigger a higher level of scrutiny. She argued that local origination is a technical rather than content based requirement, and does not prioritize any viewpoint nor does it require that programming be about local issues.

Ms. Doyle also discussed the Commission proposal to increase the allowable power for rural LPFM stations from 100 to 250 watts. She noted that the Local Community Radio Act (“LCRA”) is silent in regard to power levels for LPFM. Although the LCRA prohibits the Commission from reducing minimum distance separation requirements between LPFM and other stations, the Commission has proposed increased distance separation requirements for 250 watt stations. She explained that a power increase would permit rural broadcasters to reach more listeners, ensuring their viability in areas of low population density.

Respectfully Submitted,

/s/

Brandy Doyle
Policy Director
Prometheus Radio Project

P.O. Box 42158
Philadelphia, PA 19101
(215) 727-9620 x518
brandy@prometheusradio.org